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REPORT

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OF THE

COMMITTEE,

RELATING TO THE DESTRUCTION

OF THE

URSULINE CONVENT,

AUGUST 11, 1834.

BOSTON:

J. H. EASTBURN, CITY PRINTER.

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1834.

BURNING OF THE URSULINE CONVENT.

At a public meeting of the citizens of Boston, held at Faneuil Hall, on the 12th day of August, 1834, the following Resolutions were unanimously adopted.

Resolved, That in the opinion of the citizens of Boston, the late attack on the Ursuline Convent in Charlestown, occupied only by defenceless females, was a base and cowardly act, for which the perpetrators deserve the contempt and detestation of the community.

Resolved, That the destruction of property and danger of life caused thereby, calls loudly on all good citizens to express individually and collectively the abhorrence they feel of this high-handed violation of the laws.

Resolved, That we, the Protestant citizens of Boston, do pledge ourselves, collectively and individually, to unite with our Catholic brethren in protecting their persons, their property, and their civil and religious rights.

Resolved, That the Mayor and Aldermen be requested to take all measures, consistent with law, to carry the foregoing resolution into effect, and as citizens, we tender our personal services to support the laws under the direction of the city authorities.

Resolved, That the Mayor be requested to nominate a committee from the citizens at large, to investigate the proceedings of the last night, and to adopt every suitable mode of bringing the authors and abettors of this outrage to justice.

The following Committee was nominated by the Mayor :—

H. G. Otis, John D. Williams, James T. Austin, Henry Lee, James Clark, Cyrus Alger, John Henshaw, Francis J. Oliver, Mark Healy, Charles G. Loring, C. G. Greene, Isaac Harris, Thomas H. Perkins, John Rayner, Henry Gassett, Daniel D. Brodhead, Noah Brooks, H. F. Baker, Z. Cook, Jr., George Darracott, Samuel Hubbard, Henry Farnam, Benjamin F. Hallett, John K. Simpson, John Cotton, Benjamin Rich, William Sturgis, Charles P. Curtis.

On motion of Mr. George Bond, the committee of twenty-eight were requested to consider the expediency of providing funds to repair the damage done to the Convent, &c.

On motion of John C. Park, Esq., it was

Resolved, That the Mayor be authorized and requested to offer a very liberal reward to any individual who, in case of further excesses, will arrest and bring to punishment a leader in such outrages.

THEODORE LYMAN, Jr., *Chairman*.

ZEBEDEE COOK, Jr., *Secretary*.

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REPORT.

The Committee appointed at Faneuil Hall, at the meeting on the 12th ult., to investigate the recent outrages in Charlestown, and take measures for bringing the perpetrators to justice, and also to consider the expediency of providing funds to repair the damage done to the Convent, believing that an account of their proceedings and of the results of their inquiries may be acceptable, respectfully

REPORT,

That, upon the second day succeeding that of their appointment, they entered upon the discharge of their duties, and continued in session every day from 9 A. M. to sunset, with the intermission of Sundays and the usual time for dining, until the 27th ult., when the afternoon sittings were dispensed with.

The most active and vigorous measures within the scope of their authority were adopted to obtain intelligence, and have been persevered in till the present time—sub-committees being frequently despatched to various parts of the city and to the neighbouring towns, and messengers constantly employed to obtain the attendance of such persons as were supposed capable of giving useful information.

The number of which the Committee was originally composed, being insufficient for the discharge of its various and arduous duties, and some of the gentlemen appointed, having declined the service, the aid of several others was requested, who have been among the most efficient of its members.

The Committee being invested with no power to compel appearance, or take examinations under oath, were careful to notify those who came before them, that their attendance and statements were entirely voluntary; and that no use would be made of the information they might give, unless it should be thought necessary to summon them as witnesses before a magistrate or judicial tribunal.*

In this manner more than one hundred and forty persons, and some of them repeatedly, have been examined, and much important information has been procured, which has led to the arrest of several individuals, and con

*This latter assurance was given to most of the persons who appeared in the Committee Room, in order to remove the apprehensions entertained by them or some of them, for their personal safety, if it should become known to the rioters or their friends that they had given information to the Committee, inculpatings persons concerned in the riot.—SUB COMMITTEE.

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stituted important additions to the evidence upon which other arrests have been made; and, it is hoped, will lead to further disclosures. But it is obvious that any statement of the testimony would, at this time, be improper.

The whole number of arrests and commitments made by the efforts of the Charlestown Committee and Magistrates, and of this Committee, is thirteen; of which, eight are upon charges of a capital nature.

It appeared immediately upon commencing the investigation, that the destruction of the Convent might be attributed primarily to a widely extended popular aversion, founded in the belief, that the establishment was obnoxious to those imputations of cruelty, vice, and corruption, so generally credited of similar establishments in other countries, and was inconsistent with the principles of our national institutions and in violation of the laws of the Commonwealth.

And which aversion in the minds of many, had been fomented to hatred, by representations injurious to the moral reputation of the members of that community, attributing to them impurity of conduct, and excessive cruelties in their treatment of each other, and of the pupils; and denunciatory of the institution, as hostile, in its character and influences, alike to the laws of God and man: and also by reports, that one of the sisterhood, Mrs. Mary John, formerly Miss Elizabeth Harrison, after having fled from the Convent to escape its persecutions, and then been induced by the influence or threats of Bishop Fenwick to return, had been put to death, or secretly imprisoned, or removed; so that her friends could neither see nor obtain information concerning her. These assertions and reports were not only prevalent in this city and its vicinity, but, the Committee have reason to believe, pervaded many distant parts of the Commonwealth, and have extended into other States; affording a monitory lesson of the extent and excitability of public credulity when in accordance with popular prejudice.

It was doubtless under the influence of these feelings and impressions, that some of the conspirators were led to design the destruction of the Convent, and to avail themselves of the aid of those miscreants, who, actuated by the love of violence, or the hope of plunder, were the foremost in the perpetration of the outrage.

The Committee, therefore, considered it an important part of their duty to make faithful inquiry into the character of the Institution, and into the truth of assertions and reports of such fatal influence; believing that authentic information upon these subjects was demanded in justice to the sufferers and the public; and might be instrumental in leading to the detection of those who had instigated or aided in the commission of the crime; and who, it is feared, are still, in great measure, sheltered by the prevalence of the impressions above referred to.

The Committee are not influenced in communicating the result of this inquiry, by any impression that the truth of the imputations, if established, would have constituted any *justification of the wrong*; being entirely of opinion, that whatever might have been the character of the institution, or the deportment of its members, they could give no sanction to this *high-handed violation of the law*. Still less can it be supposed that they have any disposition to aid in the dissemination of the Catholic Faith, being *unanimously* opposed to its characteristic tenets.

But having discovered the existence of the prepossessions so generally

prevalent, and perceiving how much they affected the disposition of those called to give testimony, and how often they were referred to as a palliation of the offence, they have felt imperatively bound by a regard for truth, by a just appreciation as they hope of the candour of their fellow citizens, and also by a sense of justice to the injured, to make known the conclusions, to which the evidence before them has irresistibly led. And in doing this, they are careful to make no statements but those of which they consider themselves to have evidence amply sufficient to sustain them, were they in question before a judicial tribunal.

The Institution at Charlestown was of the Ursuline Order, which was first established in the year 1536, for the purposes of administering relief to the sick and the afflicted, and of superintending the education of female youth; and so exemplary had been the character and deportment of this order of Nuns, and so extensively beneficial were their services in the cause of education and Christian charity, that, when other convents were abolished by many Governments in Europe, these alone were not only permitted, but encouraged to remain.

Unlike the other order of Convents, into which the members repaired for the avowed purposes of religious seclusion from the pleasures and duties of the world, and in which corruptions and abuses might be supposed to exist beyond the reach of human detection, the members of this religious community, by the necessity of their order and by their vows, devote themselves to those services in the cause of humanity, which render them at all times subjects of public observation; and expose their personal deportment, as well as the character of their institution, to the strictest scrutiny.

However just, therefore, might be the popular odium against an institution which secluded its members from the occupations and enjoyments of life, cutting them off from the sympathies of society, and dooming them to an irrevocable concealment, into which the eye of friendship and affection could never penetrate, and where suffering might be without remedy, and crime without punishment, there can be no rational pretence for similar feelings towards an institution, whose members were openly engaged in the most useful and elevated offices of humanity in the presence of the world; who had it in their power to leave the institution at their pleasure; and whose dwelling was filled with those who were not members of their community, and accessible at proper times to the parents and friends of its numerous inmates.

The institution in question was founded in the year 1820, by Doctors Matignon and Cheverus, whose names will be, in this community, a sufficient guaranty of its purity and Christian character, with funds, given by a native citizen of Boston. By their invitation, four ladies of the Ursuline Order, emigrated to this country in the year 1820, and established themselves at first in this city. They afterwards, in the year 1826, removed to Charlestown, and occupied the Farm House at the foot of Mt. Benedict until the main building on its summit was finished in the year 1827. In the mean time the reputation of their Seminary was widely extended, and the number of pupils from all the New England, and from many of the Southern States, and the British Provinces, rapidly increased; so that in the year 1829, it was found necessary to add two large wings to the building for their accommodation.

The number of Nuns has varied at different times from four to ten, each of whom performed a distinct part in the care of the establishment, or the education of the children. For admission as a member of this community, the candidate, after a preliminary period of probation, enters upon a noviciate for two years by taking the white veil, in order to give her ample time, after full experience of the discipline, duties and principles of the Institution, to determine whether they are such as she shall be solicitous to enter upon for life. During this period no restraints by religious vows or otherwise are imposed to prevent her secession from the establishment; and the Committee have plenary evidence from those who have thus seceded, of their freedom in this respect.

Upon receiving the black veil, the religious vow is taken of devotion to the Institution for life; but even then no forcible means could be exercised to detain any one, who might choose to return to the world; and their legal right to do so, is perfectly well understood by every member of that community.

No penances or punishments are ever forcibly enforced or inflicted; they are not only always voluntary, but can never even thus take place, but by permission of the head of the order, which is not granted unless the applicant be in good health.

The Committee do not mean to be understood, as believing, that there may not be a mental subjection, not less effectual upon the individuals concerned than one created by external force; but they consider this a matter of religious faith, resting entirely between themselves and the only Being to whom they are accountable; and one which neither renders them amenable to public law, nor in any degree justly obnoxious to popular odium.

Some of those, who after entering upon their noviciate seceded from the Convent, still retain the warmest affection for its members, and bear willing testimony to their unvaried kindness and the purity and excellence of their deportment.

The number of pupils has varied from forty to sixty, during each of the past five years, being for the most part children of those among the most reputable families in the country of various religious denominations, (the number of *Catholics* never exceeding ten at any one time) and wholly unrestrained in their communications with their friends concerning all that transpired in the seminary.

No means were taken to influence or affect their religious opinions; their attendance upon the services in the chapel was voluntary, never exacted. The only religious services, forming a part of the system, were morning and evening prayers, common to all christians, and discourses by the Bishop, on Sundays, upon the practical truths and religious duties which are peculiar to no sect. *Nor can it be ascertained that any pupil placed under their charge for the purposes of education, has been converted from any other to the Catholic faith, or induced to become a member of the community.*

Of these facts and of the truly maternal kindness with which the children were uniformly treated, and of their filial affection to the ladies of the establishment, and of the entire confidence and respect to which they are entitled, the Committee have the fullest assurances both from children and parents. Nor can it be believed that, if undue severity had been exercised upon the pupils; or harshness, or cruelty had been inflicted upon any mem-

ber of the community ; or if any thing inconsistent with purity of deportment had existed, it could have escaped the scrutinizing observation of so many inquisitive and active minds ; or could fail to be communicated to their friends ; and still less can it be believed, that upon a disclosure of this sort, a father or mother could be found who would suffer a daughter to remain under their roof.

In pursuing their inquiries into the truth of the injurious representations and reports above referred to, members of the Committee have had an interview with the young lady upon whose authority they were generally supposed to rest. She entirely disclaimed most of those passing under the sanction of her name, *and particularly all affecting the moral purity of the members of the Institution, or the ill treatment of the pupils under their care*, and confined her accusations to the system of severe penance which she alleges, the nuns and noviciates were compelled to suffer for the most trivial offences, or for the purposes of religious discipline—to restraints imposed upon those who were members of the community or subject to its rules—and to cruelties alleged to have been inflicted in the form of penance upon a member of the community in her last illness, by which her life was shortened.

From her statement, therefore, it is evident that there could be, excepting in the subject of the last accusation, no cause of public complaint ; inasmuch as the other evils alleged, if existing, were confined to those who were voluntarily members of the institution, affecting neither the property nor the happiness of other individuals, nor tending in any wise to the injury of the public morals, or a violation of law.

It further appears that her means of knowledge were derived from her having become a voluntary inmate of the house, for the purpose of receiving a gratuitous education, and passing a term of probation for six months preparatory to her entering upon her noviciate as a Nun, if she should be considered by the sisterhood as qualified, and continue desirous so to do.

The principal facts stated by her which it is deemed of importance to notice, are, that she was led to depart from the Convent secretly before the expiration of her term of probation by overhearing a conversation between Bishop Fenwick and the Superior, in which it was intimated or threatened that she should be sent into the British Provinces ; and that the life of the Nun above mentioned was shortened by the severities and penances imposed upon her during the illness which terminated in her death.

The Superior and Bishop Fenwick, between whom the above conversation is alleged to have been heard, have both denied to the Committee that any such ever took place, and appealed to the fact, that it was well known, not only among the members of the Institution, but the pupils generally, that this young woman was not esteemed qualified to become a member of the community, but was to be dismissed at the end of her probation ; and of this fact the Committee have the assurance of several of the pupils.

And with regard to the allegation of cruelty towards the deceased Nun, the Committee have not only the contradiction of all the members of the establishment, including two of her sisters by birth, who were with her during her sickness and at the time of her death ; but also a written statement from Dr. Thompson, an eminent Physician in Charlestown, who attended her, of the origin, nature and progress of her disease, and of the manner in

which she was nursed and treated under his direction ; from which it would appear, that the tenderest care and solicitude were uniformly manifested for her comfort, and that all was done to smooth the pillow of sickness and death, which religious duty or sisterly affection could dictate.

And concerning the probation of the young woman abovementioned, and her secret and sudden departure, it is stated by the ladies of the Institution and by others who were at that time in the Convent, that previously to being received on trial, she had made several earnest applications for admission, alleging that she was solicitous to find shelter in their community : that her applications were refused in the apprehension, that she was not a suitable candidate to become a member of it : that then she made similar applications to some of the clergy, through whose intervention and after a written communication to her father, which was never answered, she was finally received, and was immediately placed under a course of instruction in elementary learning, and in music ; that up to the time of her departure, she appeared grateful for the kindness and instruction which she had received, and expressed an earnest desire to be permitted to enter upon her noviciate ; but it being judged that she was not qualified to be admitted into the community as one of its members, it had been resolved to dismiss her at the end of six months, when her unexpected departure relieved them from this painful necessity.

It is also proper to state that many of the representations made by this individual, of the nature of the penances and restraints imposed in the Convent, are denied by the united testimony of all its present members and of others who were resident there in their noviciate or as domestics, during the time when these abuses are alleged to have taken place.

As to the reports in relation to the supposed murder or secretion of Miss Harrison, it is only necessary for the Committee to recapitulate the facts already before the public, with the further assurance that the relation *has been personally confirmed by her to some of them, who were well acquainted with her before the destruction of the Convent, and have repeatedly seen and conversed with her since.*

This female, a native of Philadelphia, entered upon her noviciate in the Institution in the year 1822, and became a member, in full communion, in the year 1824, after knowledge and experience of the principles and rules of it, and of the manners and dispositions of its members. She has one brother and a brother-in-law living in this city, with whom she has constant intercourse and who have been accustomed to visit her at the Convent at pleasure.

She is the teacher of music in the Seminary, and for some time before the 28th day of July, had been engaged in giving fourteen lessons per day, of at least forty-five minutes each, and by the confinement and exertion of these arduous efforts, had impaired her health and was suffering under a nervous excitement or fever, which, on that day, increased to a delirium ; under the influence of which unconsciously to herself, she left the house and proceeded to that of Mr. Edward Cutter in the immediate neighborhood, whence at her request, she was carried to the residence of Mr. Cotting, in West Cambridge.

On the morning after her departure, her brother, Mr Thomas Harrison, of this city, went to her and found her surprised at the step she had taken ;

at her request he accompanied Bishop Fenwick there in the afternoon, and she gladly returned with them to the Convent ; where she was welcomed by her anxious friends, and remained until the night of the outrage, receiving from them every kindness and attention which her situation required.

The story of her flight and of her alleged forcible return, and subsequent death or removal, had, however, obtained such currency and was so generally believed in Charlestown and the neighboring towns, that the Selectmen of that place considered it their duty to investigate the affair ; and upon application to the Superior, a time of their own appointment was fixed by the Board to visit the Convent. Accordingly on the 11th August, at 3 P. M. they repaired there in a body and were received by Miss Harrison, the Nun who was supposed to be murdered or secreted, and were, by her alone, conducted throughout the establishment, into every room and closet, from the cellar to the cupola, inclusive, and were answered every inquiry which they saw fit to make.

The result of this examination was their entire satisfaction " that every thing was right," and they proceeded from the building to the house of one of their number in the neighborhood, to prepare a certificate to that effect, to be published in the papers of the following day.

The Committee have been unable to find any report in circulation injurious to the reputation of the members of the community, which may not be traced to one of the above sources, or which has any other apparent foundation.

And having thus given to the public an authentic statement of all the facts affecting the character and reputation of the Institution and its members, so far as they have come to their knowledge, and of which they have abundant proof, the Committee have acquitted themselves of this part of their duty and leave to their fellow citizens the question, whether this Institution was in any degree obnoxious to the fatal imputations so generally circulated and believed, or to the public odium so unfortunately prevalent.

For some time previous to the 11th day of August, the excitement of the public mind had become so great in Charlestown, that the destruction of the Convent was the subject of frequent threats and conversation, and on the preceding day inflammatory hand-bills had been posted.

There can be no doubt that a conspiracy had been formed, extending into many of the neighboring towns, but the Committee are of opinion that it embraced very few of respectable character in society : though, some such may perhaps be accounted guilty of an offence, no less heinous, *morally considered*, in having excited the feelings which led to the design, or countenanced and instigated those engaged in its execution. And there is reason to believe, that those who had determined on the destruction of the building, were induced to an earlier accomplishment of their purpose than was originally intended, by a publication in the Mercantile Journal headed " Mysterious," (afterwards copied into other papers) which, it appears, was inserted by the news-gatherer of that journal, without other authority than the idle gossip then prevalent in Charlestown, (the falsehood of which might have been ascertained at any time by a walk of a few minutes from the office to the proper place of inquiry :) and also by a knowledge that the Selectmen had made their investigation, and the apprehension that a publication of its result, might, by allaying the principal cause of the excitement, prevent its execution.

Soon after sunset several persons were seen at the gate of the avenue leading from the road to the Convent, and on being inquired of concerning the reason of being there, gave evasive and impertinent answers ; but there was nothing in their language or numbers which led to the belief that a serious riot was to be apprehended. Immediate information, however, was given of the fact to one or more of the Selectmen, and assurances were made in reply that no danger could possibly be anticipated.

Soon after 9 o'clock, the rioters began to assemble in considerable numbers, arriving on foot and in wagons from different quarters ; and a party of about forty or fifty proceeded to the front of the building, using violent and threatening language ; they were addressed by the Lady at the head of the establishment, who, desiring to know their wishes, was replied to that they wanted to enter and see the person alleged to be secreted ; she answered, that their Selectmen had that day visited the house and could give them satisfactory information, and that any of them on calling the next day at a suitable hour, might see for themselves ; at the same time remonstrating against such violation of the peace and of the repose of so many children of their most reputable citizens.

Shortly afterwards the same, or another party with increased numbers approached the Convent, using still more threatening and much gross and indecent language ; the Lady above referred to again addressed them in terms of remonstrance and reproach, and desired to know whether none of their Selectmen were present ; some of them replied that one was there, mentioning his name ; he then came forward and announced his presence, stating that he was there for the purpose of defending her. She inquired whether he had procured the attendance of any others of the Board ; and upon being answered in the negative, replied that she would not trust the establishment to his protection, and that if he came there to protect them, he should show it by taking measures to disperse the mob.

It appears from various testimony that he did attempt to dissuade the rioters from their design, by assurances that the Selectmen had seen the Nun who was supposed to have been secreted, and that the stories reported concerning her were untrue—but his assertions drew forth only expressions of distrust and insult. The mob continued upon the ground with much noise and tumult and were in that state left by this Magistrate, who returned home and retired to bed.

At about eleven o'clock, a bonfire was kindled on the land of Alvah Kelly, adjoining that of the eastern boundary of the Convent, and distant about two hundred and seventy yards from the building, the fences of which were taken for the purpose ; this is believed to have been a concerted signal for the assembling of all concerned in the plot.

The bells were then rung as for an alarm of fire in Charlestown and in this city, and great multitudes arrived from all quarters. Upon this alarm the Magistrate above mentioned arose and proceeded to procure the attendance of others of the Selectmen. In the meantime the Charlestown engines and some from Boston had arrived, one of the latter of which passing those of Charlestown, which had halted opposite the bonfire, immediately proceeded into the avenue leading to the Convent, where her arrival was greeted with a shout from some of the rioters upon the hill and among the shrubbery, many of whom seizing hold of the rope, proceeded with her up the avenue,

around the circular walk to the front of the building, when the attack was instantly commenced by the breaking of fences, and the hurling of stones and clubs against the windows and doors. Upon this the engine, by the order of its commander, was immediately carried down into the road and stationed opposite the gate, where it remained during the night *

At the time of this attack upon the Convent there were within its wall about sixty female children and ten adults; one of whom was in the last stages of pulmonary consumption, another suffering under convulsion fits, and the unhappy female, who had been the immediate cause of the excitement, was by the agitations of the night in raving delirium.

No warning was given of the intended assault, nor could the miscreants, by whom it was made, have known whether their missiles might not kill or wound the helpless inmates of this devoted dwelling. Fortunately for them, cowardice prompted what mercy and manhood denied: after the first attack, the assailants paused awhile from the fear that some secret force was concealed in the Convent or in ambush to surprise them; and in this interval the Governess was enabled to secure the retreat of her little flock and terrified sisters into the garden. But before this was fully effected, the rioters, finding they had nothing but women and children to contend against, regained their courage, and ere all the inmates could escape, entered the building.

It appears that during these proceedings the Magistrate above referred to, with another of the Selectmen, had arrived and entered the Convent with the rioters, for the purpose, as they state, of assisting its inmates. The mob had now full possession of the house and loud cries were heard for torches or lights; one of the Magistrates in question availed himself of this cry to deter the rioters from firing the building, by stating, that if lights were brought they might be detected.

Three or four torches which were, or precisely resembled engine torches, were then brought up from the road; and immediately upon their arrival, the rioters proceeded into every room in the building, rifling every drawer, desk, and trunk, which they found, and breaking up and destroying all the furniture and casting much of it from the windows; sacrificing in their brutal fury, costly piano fortes and harps, and other valuable instruments; the little treasures of the children, abandoned in their hasty flight; and even the vessels and symbols of Christian worship.

After having thus ransacked every room in the building, they proceeded with great deliberation, about one o'clock, to make preparation for setting fire to it. For this purpose broken furniture, books, curtains, and other combustible materials, were placed in the centre of several of the rooms; and, as if in mockery of God as well as of man, the Bible was cast, with shouts of exultation, upon the pile first kindled; and as upon this were subsequently thrown the vestments used in religious service, and the ornaments of the altar, these shouts and yells were repeated. Nor did they cease until the Cross was wrenched from its place, and cast into the flames, as the final triumph of this fiend-like enterprise.

But the work of destruction did not end here. Soon after the Convent was in flames, the rioters passed to the library, or Bishop's lodge, which

* Most of the members of this Company have been before the Committee, and deny any previous knowledge of a design to destroy the Convent, or any participation in the riot; and it has been stated in the public prints that the examining Magistrates of Charlestown expressed their opinion that this Company stood fully acquitted of all concern in it.

stood near, and after throwing the books and pictures from the windows, a prey to those without, fired that also.

Some time afterwards they proceeded to the farm-house, formerly occupied as the Convent, and first making a similar assault with stones and clubs upon the doors and windows, in order to ascertain whether they had any thing to fear from persons within, the torches were deliberately applied to that building; and, unwilling to leave one object connected with the establishment to escape their fury, although the day had broken, and three buildings were then in flames or reduced to ashes, the extensive barn, with its contents, was in like manner devoted to destruction. And not content with all this, they burst open the tomb of the establishment, rifled it of the sacred vessels there deposited, wrested the plates from the coffins, and exposed to view the mouldering remains of their tenants.

Nor is it the least humiliating feature in this scene of cowardly and audacious violation of all that man ought to hold sacred and dear, that it was perpetrated in the presence of men vested with authority, and of multitudes of our fellow citizens, while not one arm was lifted in the defence of helpless women and children, or in vindication of the violated laws of God and man. The spirit of violence, sacrilege, and plunder, reigned triumphant. Crime alone seemed to confer courage; while humanity, manhood, and patriotism, quailed, or stood irresolute and confounded in its presence.

The Committee are satisfied upon evidence before them, of what it would indeed be injustice to many of their fellow citizens to doubt, that great numbers of those present were indignant spectators of these scenes, and would gladly have aided in the defence of the Convent and arrest of the rioters, had any attempt been made by either of the Magistrates or engineers of the fire department of Charlestown who were present, or by an engine company, or any person having, or assuming to have, authority to rally them for that purpose; but no voice of authority was heard, and no remonstrance, but that of timidity, in effect giving courage to the assailants.

Nor has any other satisfactory account been suggested why the mob was not arrested in its career, by the great multitudes by which it was surrounded, than the supposition that, from the omission of magisterial interference, doubt and mistrust existed, whether the work were not so sanctioned by popular opinion, or the connivance of those in authority, that resistance would be hopeless.

The fact that the dwelling of inoffensive females and children, guiltless of wrong to the persons, property, or reputation of others, and reposing in fancied security under the protection of the law, has been thus assaulted by a riotous mob and ransacked, plundered, and burnt to the ground, and its terrified inmates, in the dead hour of night, driven from their beds into the fields; and that this should be done within the limits of one of the most populous towns of the commonwealth, and in the midst of an assembled multitude of spectators; that the perpetrators should have been engaged for seven hours or more in the work of destruction, with hardly an effort to prevent or arrest them; that many of them should afterwards be so far sheltered or protected by public sympathy or opinion, as to render the ordinary means of detection ineffectual; and that the sufferers are entitled to no legal redress from the public, for this outrage against their persons and destruction of their property, is an event of fearful import as well as of the profoundest shame and humiliation.

It has come upon us like the shock of the earthquake, and has disclosed a state of society and public sentiment of which we believe no man was before aware.

If for the purpose, of destroying a person, or family, or Institution, it be only necessary to excite a public prejudice, by the dissemination of falsehoods and criminal accusations, and under its sanction to array a mob ; and there be neither an efficient magistracy nor a sense of public duty or justice sufficient for its prevention, and if property may be thus sacrificed without the possibility of redress, who among us is safe ?

The cry may be of bigotry to-day, and heresy to-morrow ; of public usurpation at one time, and private oppression at another ; or any other of those methods by which the ignorant, the factious, and the desperate, may be excited, and the victim may be sacrificed without protection or relief.

It is hoped that the fearful warning thus suddenly given, enforced as it is by similar occurrences in other states, will arrest the public attention ; check the prevailing disposition to give credence to injurious and calumnious reports ; will produce throughout the country a higher sense of the qualifications requisite for magisterial office ; and lead to amendments and improvements of our laws, which are thus found so sadly defective.

And above all may it rebuke the spirit of intolerance thus unexpectedly developed, so hostile to the genius of our institutions, and unrestrained, so fatal to their continuance. If there be one feeling which more than any other should pervade this country, composing, as it were, the atmosphere of social life, it is that of enlightened toleration, comprehending all within the sphere of its benevolence, and extending over all the shield of mutual protection.

The Committee trust that they shall not be thought to exceed the bounds of propriety, by adopting this as a fitting occasion for the suggestion of those amendments of the law, the necessity of which is made particularly obvious by this unhappy event.

The first which they submit, is forced upon their consideration by the difficulties they have encountered in their efforts to accomplish the purposes of their appointment ; having no official power to compel the attendance of witnesses, or examination under oath, or take any other requisite measures for the satisfactory investigation of the guilt of persons supposed to be implicated ; but against whom sufficient evidence, without these means, cannot be procured.

The only cases, excepting when the grand jury is actually in session, in which, under the existing laws, these measures can be resorted to, is where a complaint and arrest have been made, and, as this complaint must be the unofficial act of an individual, and being necessarily public, often exposes him to great odium, and, in many cases, to personal danger, it is rarely ventured upon in opposition to public opinion or prejudice ; and seldom in any case, excepting where the evidence is in the first instance conclusive, or the party implicated is too humble to be accounted a dangerous enemy.

If, on the other hand, a bench of magistrates were empowered in similar cases to compel the appearance of witnesses, and conduct their examinations under the authority of law, it is obvious that the means of detecting those concerned in the commission of crime, would be far more certain and efficacious ; and those guilty of its inception and in-tigation, would often be

brought to that punishment, which now generally falls upon the humbler instruments of their villainy.

This power might be vested in the judges of the court of Common Pleas, and such of the justices of the peace in each county as might be selected for that purpose, and thus be deposited in hands free from danger of abuse. A similar one exists in England, vested in magistrates designated for that purpose; and it is not known that it has ever been perverted to the purposes of oppression, though often instrumental in detecting criminals, who might otherwise have escaped with impunity.

The second improvement which the Committee venture to suggest is the enactment of a law, rendering Magistrates indictable, whenever guilty of an omission to discharge their duty, in the prevention of outrage or crime.

If rulers are the servants of the people, it ought to be understood that as such they are accountable for the *neglect* as well as the *abuse* of their powers; that the authority with which they are vested must be exercised and shall be obeyed. And if men with no higher sense of duty than accountability to the party, by whom they may have been elected, and no more honorable fear than that of the loss of office shall be placed in authority over us, they, the security of whose persons and property may depend upon their fidelity, should at least have the power of holding them to legal responsibility.

A further, and perhaps still more salutary addition to our subsisting laws, would be a provision that in cases of destruction of life or property occasioned by riot or tumult, the public shall be responsible to indemnify the sufferers to the whole extent of their pecuniary loss; restoring the value of the property destroyed, and making suitable provision for all, whose means of support shall be lost or impaired by the personal injury of themselves, or of those upon whom they may be dependant.

A provision of this sort seems called for by the first principles of justice and civil government.

The basis of every political community is the surrender of the right of personal defence, and the contribution of individual property, that each may enjoy the mutual protection of all.

It is a direct contract between each individual and society at large, in which the latter receives a full equivalent for the guaranty to the former of security of life, liberty and property. It is therefore the duty of the community to provide and exercise the means necessary for affording such protection: and whenever such means do not exist or the servants entrusted with them are faithless to their duty, the contract is broken, and the sufferers are entitled to redress.

Nor would the expediency of such provision be less obvious than its justice, as the personal interest which every one would feel in this responsibility, would render him vigilant and active in preventing a tumult, the consequences of which might be visited upon himself; at the same time it would influence the people in the election of magistrates, who might be relied on in the hour of difficulty and danger, as competent and fearless in the discharge of their duty.

The opinion so generally prevalent that the sufferers in this instance were legally entitled to such redress against the town of Charlestown or the county of Middlesex, is a striking proof how well such a provision

would accord with that sense of justice which we hope will ever distinguish this community.

But the provision above suggested, indeed, it is feared, be insufficient for the purpose, without the organization of a more efficient and ready force than can now be called into action ; and the Committee would suggest the expediency of legal provision therefor.

It is probable indeed that the mere knowledge of the existence of such organization would often of itself suffice to prevent riot and tumult.

Legislative enactments, however, can avail but little, unless a check be given to the tendency now pervading all parts of the country to refer every question to *popular will*, instead of *public law*.

In Europe, the staff of the police officer is backed by the sabre of the dragoon or the musket of the gens d'arme ; but in our favoured land, there is no *immediate* force but the posse comitatus, nor *ultimate* authority but the judicial tribunal : the one wholly, the other essentially, an appeal to the people.

If it be true of other countries that all power rests in public opinion, it is in ours alone that this principle is fully understood and acted upon. *Our only security, therefore, is an enlightened obedience to law ; to be enforced by all in conversation and example, as the highest duty of patriotism ; for upon this and this alone, depends the safety of our political freedom.*

If the time shall arrive when popular will shall take place of law, whether this be by riots and tumults, or under the form of judicial proceedings, the grave of our nation's happiness and glory will have been prepared. Life, liberty, and property, will be held at the will of malignity, prejudice, and passion ; violence will become the common means of self defence ; and our only refuge from the horrors of anarchy, will be under the comparatively peaceable shelter of military despotism.

The remaining subject submitted to the consideration of the committee was the expediency of raising funds for the purpose of indemnifying the sufferers.

They are of opinion that the plainest principles of equity require remuneration to be made ; but are at the same time impressed with the conviction, that a donation, derived from private contribution, does not so well comport with public justice, and would not constitute so entire and expressive a vindication of the majesty of the law, as would a compensation proceeding from the Government.

By the *theory* of our institutions, the Magistrates of Charlestown or of the county of Middlesex are vested with authority, and have under their control a force sufficient for the prevention or suppression of popular riots and tumults. And if the fact corresponded with the theory, that town or county would be justly responsible to make good the pecuniary loss occasioned by this outrage.

But if that authority is insufficient for such emergencies, and that force is defective in strength or organization, so that it cannot be brought to act with promptness and energy, then the fault rests with the whole community, and upon them should fall the burthen of indemnity.

The committee cannot forbear expressing the hope that a public outrage committed in such open and audacious defiance of the law, inflicting so deep a wound upon the reputation of the Commonwealth and through her

upon the hitherto fair fame of New England, will receive the early attention of the Legislature; and that a committee will be appointed with full power to investigate the character of this Institution and the conduct of its members, and to take measures for the further detection of those implicated in its destruction; and that a suitable compensation will be provided for the sufferers, so that the same page on which the history of our disgrace shall be recorded, may bear testimony to the promptitude of our justice to the injured.

They lay aside all questions of the expediency of indemnifying the sufferers, *as means of aiding in the support of the Catholic Faith*. Of their individual feelings and opinions upon that subject, their fellow citizens can have no doubt; but they look upon the obligations of justice as of higher import and more deeply affecting our welfare as a political community.

It is enough that the property of a portion of our fellow citizens, erected under the sanction of the laws, paying its full proportion of the expenses of Government, and admitted on all hands to be entitled to its protection; has been openly and wantonly destroyed through the insufficiency of those laws, or the supineness or timidity of those entrusted with their execution.

If regard is to be had to the religious or political tendency of an Institution, in determining whether it be entitled to protection or redress, it might be hard to find one against which the popular cry of superstition or heresy or corruption, might not be raised. To resort to such considerations, is the direct substitution of popular will or passion in place of public law and justice. And if this cruel and unprovoked injury, perpetrated in the heart of the Commonwealth, be permitted to pass unrepaid, our boasted toleration and love of order, our vaunted obedience to law, and our ostentatious proffers of an asylum to the persecuted of all sects and nations, may well be accounted vain glorious pretensions, or yet more wretched hypocrisy.

CHARLES G. LORING, *Chairman*.

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